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11 Attorneys for the United States of America

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13 UNITED STATES DISTRICT COURT  
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15 NORTHERN DISTRICT OF CALIFORNIA  
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17 SAN FRANCISCO DIVISION

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19 UNITED STATES OF AMERICA, ) No. CR-07-0754-WHA  
20 v. )  
21 CARLOS GARRIDO, ) STIPULATION, AND ~~PROPOSED~~  
22 a/k/a "Tweety," ) ORDER  
23 Defendant. )  
24 \_\_\_\_\_ )  
25

26 The United States of America, by its attorneys, Joseph P. Russoniello, United States  
27 Attorney, and W.S. Wilson Leung, Assistant United States Attorney, of counsel, on behalf of the  
28 parties, respectfully submits this Stipulation and Proposed Order to request a continuance of the  
April 27, 2010 change of plea hearing in the above captioned matter. The parties respectfully  
request, for the reasons set forth below, that the change of plea hearing be scheduled for May 4,  
2010 at 2 pm, or any time thereafter as the Court's schedule allows, so that the parties can  
resolve some last minute procedural issues.

26 The parties hereby stipulate to the following:

27 1. Defendant Carlos Garrido is charged in the above-captioned indictment with one  
28 count of illegal re-entry and one count of being an illegal alien in possession of a firearm.

2. Carlos Garrido pled guilty to both counts and was scheduled to be sentenced. However, prior to sentencing, Garrido withdrew his guilty plea to the firearm charge. He has since decided to re-enter this guilty plea and his change of plea hearing was scheduled for April 27, 2010. However, the parties are trying to figure out where procedurally Garrido stands and whether he needs an entirely new plea agreement or whether he can simply re-enter his guilty plea pursuant to the old plea agreement.

3. Accordingly, the parties would respectfully request a continuance of the change of plea hearing until May 4, 2010, or any time thereafter as the Court's schedule permits. The parties would also ask that time be excluded in the interests of justice until the new date to ensure the effective representation of counsel by allow the defense additional time to consider the procedural issue presented.

## IT IS SO STIPULATED.

DATED: April 27, 2010

/s/  
W.S. WILSON LEUNG  
Assistant United States Attorney

DATED: April 27, 2010

/s/  
JAMES PHILLIP VAUGHNS, ESQ.  
Attorney for Defendant Carlos Garrido

IT IS SO ORDERED.

DATED: April 28, 2010

HON. WILLIAM A. ALSUP  
United States District Judge

IT IS SO ORDERED

W-A

Judge William Alsup